

<b>UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY</b>	
<b>Robertson, Anschutz, Schneid, Crane &amp; Partners, PLLC</b> 130 Clinton Road, Suite 202 Fairfield, NJ 07004 Telephone: 973-575-0707 (local) Attorneys for Secured Creditor	Case No.: <b>18-10180-VFP</b>  Chapter <b>13</b>  Hearing Date: <b>July 14, 2022 @11:00am</b>  Judge: <b>Vincent F. Papalia</b>
<b>In Re:</b>  <b>Daryl L Smith,</b>  <b>Debtor.</b>	

**LIMITED RESPONSE TO MOTION TO SELL PROPERTY FREE AND CLEAR OF  
LIENS UNDER SECTION 363(F).PROPERTY FOR SALE: ERROR: PROPERTY  
UNKNOWN**

Deutsche Bank Trust Company Americas, as Trustee for Residential Accredit Loans, Inc., Mortgage Asset-Backed Pass-Through Certificates, Series 2007-QS3, (“Secured Creditor”), by and through undersigned counsel, hereby files its Limited Response to Motion to Sell Property Free and Clear of Liens under Section 363(f).Property for sale: Error: Property unknown (“Motion”) (DE# **133**) filed by Debtor, Daryl L Smith and, in support thereof, states as follows:

1. Debtor Daryl L Smith (“Debtor”) filed the instant Chapter 13 Petition on January 4, 2018 (the “Petition Date”).
2. Secured Creditor holds a security interest in the Debtor’s real property located at 92 Roland Avenue South Orange, NJ 07079 (the “Property”) by virtue of a Mortgage in the principal amount of \$359,000.00 recorded in Book 12021, Page 616 in the Office of the Clerk/Register of Deeds for Essex County, New Jersey (the “Mortgage”).

3. Debtor's Motion seeks Court approval for the sale of the Property for a proposed sale price of \$725,000.00.

4. As of July 31, 2022, the estimated amount due under the terms of the Secured Creditor's lien is \$519,481.76. This amount should not be relied upon to pay off the loan as interest and additional advances may come due prior to the date of the proposed sale. Secured Creditor will provide an updated payoff at or near the scheduled closing sale.

5. Secured Creditor does not object to the Debtors' Motion to the extent that any sale is subject to Secured Creditor's lien and that Secured Creditor's lien will be paid in full at the closing of said sale based upon an up to date payoff quote.

6. Secured Creditor is filing its Response in an abundance of caution, as Secured Creditor wants it to be clear that it should not be compelled to participate in a sale of the property absent payment in full of Secured Creditor's mortgage lien on the real property without being given the right to credit bid pursuant to 11 U.S.C. § 363(k).

7. Furthermore, Secured Creditor requests that failure to complete any sale within 90-days of entry of this Order will result in any Order authorizing the sale to be deemed moot.

8. Secured Creditor reserves the right to supplement this response at or prior to any hearing on this matter.

RAS Citron, LLC  
Attorney for Secured Creditor  
130 Clinton Road, Suite 202  
Fairfield, NJ 07004  
Telephone: 973-575-0707

By: /s/ Harold N. Kaplan\_\_\_\_\_  
Harold N. Kaplan, Esquire  
Bar ID: HK0226  
Email: hkaplan@raslg.com

<b>UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY</b>	
<b>Robertson, Anschutz, Schneid, Crane &amp; Partners, PLLC</b> 130 Clinton Road, Suite 202 Fairfield, NJ 07004 Telephone: 973-575-0707 (local) Attorneys for Secured Creditor	Case No.: <b>18-10180-VFP</b>  Chapter <b>13</b>  Hearing Date: <b>July 14, 2022 @11:00am</b>  Judge: <b>Vincent F. Papalia</b>
<b>In Re:</b>  <b>Daryl L Smith,</b>  <b>Debtor.</b>	

**CERTIFICATION OF SERVICE**

1. I, **Haorld Kaplan** , represent Deutsche Bank Trust Company Americas, as Trustee for Residential Accredit Loans, Inc., Mortgage Asset-Backed Pass-Through Certificates, Series 2007-QS3 in this matter.
2. On **7/6/2022**, I caused a copy of the following pleadings and/or documents to be sent to the parties listed in the chart below. Motion to Sell Property Free and Clear of Liens under Section 363(f).Property for sale: Error: Property unknown\_
3. I certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Date: 7/6/2022

Robertson, Anschutz, Schneid, Crane & Partners,  
PLLC  
Attorney for Secured Creditor  
130 Clinton Road, Suite 202  
Fairfield, NJ 07004  
Telephone: 973-575-0707

By: /s/ Harold N. Kaplan\_\_\_\_\_  
Harold N. Kaplan, Esquire  
Bar ID: HK0226  
Email: hkaplan@raslg.co

<u>Name and Address of Party Served</u>	<u>Relationship of Party to the Case</u>	<u>Mode of Service</u>
Robert C. Nisenson, LLC 10 Auer Court Suite E East Brunswick, NJ 08816	Attorney for Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)
Daryl L Smith 92A Roland Avenue South Orange, NJ 07079	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)
Marie-Ann Greenberg Chapter 13 Standing Trustee 30 Two Bridges Rd Suite 330 Fairfield, NJ 07004-1550	Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)
U.S. Trustee US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102	U.S. Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)